

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:16-00118

ANTONIO TAVARES JOHNSON

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On December 19, 2018, the United States of America appeared by Drew O. Inman, Assistant United States Attorney, and the defendant, Antonio Tavares Johnson, appeared in person and by his counsel, Lex A. Coleman, Assistant Federal Public Defender, for a hearing on the petition seeking revocation of supervised release and amendments thereto submitted by United States Probation Officer Kachine Jonese. The defendant commenced a three-year term of supervised release in this action on May 18, 2018, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on January 3, 2017.

The court heard the admissions of the defendant, the evidence and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found by a preponderance of the evidence that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant, on October 9, 2018, possessed with intent to distribute 4.12 grams of a controlled substance confirmed by lab analysis to contain heroin and fentanyl, along with various "cutting" agents, found by law enforcement officers during a traffic stop as more fully set forth on the record of the hearing, which findings are incorporated herein by reference; (2) the defendant used and possessed controlled substances as evidenced by positive urine screens on September 13 and 26, and October 29, 2018, for amphetamine, methamphetamine and marijuana; and a positive urine screen submitted by him on November 14, 2018, for methamphetamine, marijuana and benzodiazepine; and (3) the defendant failed to report for a random urine screen as instructed on November 12, 2018; all as admitted by the defendant on the record of the hearing with the exception of (1) as set forth above (though the defendant did admit to simple possession of the 4.12 grams as described above) and all as set forth in the petition on supervised release and amendments thereto.

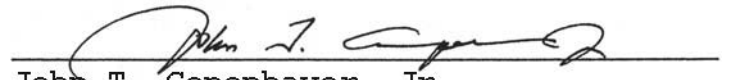
And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a) (1) (B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TWELVE MONTHS AND ONE DAY, to be followed by a term of two (2) years less one day of supervised release upon the standard conditions of supervised release now in effect in this district as promulgated by the Administrative Office of the United States Courts (National Form AO 245B) and the standard conditions as set forth in Local Rule 32.3.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: December 21, 2018


John T. Copenhagen, Jr.
Senior United States District Judge